

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

 IN RE ARREST WARRANT FOR RUSLAN
 SADIKHOV AND FOR A SEARCH
 WARRANT FOR THE PREMISES KNOWN
 AND DESCRIBED AS A 2020 BLACK
 TOYOTA CAMRY WITH NEW YORK
 LICENSE PLATE T709049C

21 MJ 1017

Docket Number

SUBMITTED BY: Plaintiff ___ Defendant ___ DOJ ☒

Name: Devon Lash

Firm Name: United States Attorney's Office - EDNY

Address: 271 Cadman Plaza East

Brooklyn, New York 11201

Phone Number: 718-254-6014

E-Mail Address: devon.lash@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES ___ NO ☒

If yes, state description of document to be entered on docket sheet:

MANDATORY CERTIFICATION OF SERVICE:

A.) ___ A copy of this application either has been or will be promptly served upon all parties to this action, B.) ___ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

September 1, 2021

DATE

SIGNATURE

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing criminal investigation; risk of flight _____

**ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
 AND MAY NOT BE UNSEALED UNLESS ORDERED BY
 THE COURT.**

DATED: Brooklyn, NEW YORK
September 1, 2021

U.S. MAGISTRATE JUDGE Marcia M. Henry

RECEIVED IN CLERK'S OFFICE September 1, 2021
 DATE

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

RUSLAN SADIKHOV

Case No. 21 MJ 1017

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) RUSLAN SADIKHOV,
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 18, United States Code, Sections 1349 (conspiracy to commit mail fraud)

Date: 09/01/2021*Marcia M. Henry**Issuing officer's signature*City and state: Brooklyn, New YorkThe Honorable Marcia M. Henry*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

Hon. Marcia M. Henry U.S.M.J.
Printed name and title

Case No.:
21 MJ 1017

Copy of warrant and inventory left with:

Inventory of the property taken and name of any person(s) seized:

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

Printed name and title

ATTACHMENT A

Items to be Searched

The Target Vehicle is a 2020 black Toyota Camry with New York license plate T709049C, including the trunk and any locked and/or closed containers.

ATTACHMENT B

Items to be Seized

Any evidence, fruits and instrumentalities of violations of 18 U.S.C. § 1341 and 1349 (mail fraud and mail fraud conspiracy) and 1951(a) (Hobbs Act robbery) (the “SUBJECT OFFENSES”) from the period of April 1, 2020 to the present, including:

1. All records, notes, documents, communications or materials pertaining or relating to commercial driver’s licenses;
2. Any bank records, account information, wire transfers, invoices, business records, or other financial documents relating to the SUBJECT OFFENSES;
3. Contact information and records of communications with any member or associate regarding commercial driver’s licenses;
4. Any documents and/or records demonstrating ownership, control or possession over the property to be searched;
5. Firearms, ammunition, or related accessories;
6. Proof of firearm ownership; and
7. Evidence related to the receipt, storage, or disposition of firearms, including but not limited to receipts, delivery records, sales slips, packaging material.

JMS:DEL/SSA
F. #2021R00774

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR AN ARREST WARRANT FOR
RUSLAN SADIKHOV AND FOR A
SEARCH WARRANT FOR THE PREMISES
KNOWN AND DESCRIBED AS A 2020
BLACK TOYOTA CAMRY WITH NEW
YORK LICENSE PLATE T709049C, AND
ANY CLOSED CONTAINERS AND
CLOSED ITEMS FOUND THEREIN

TO BE FILED UNDER SEAL

COMPLAINT AND
APPLICATION FOR A SEARCH
WARRANT

(18 U.S.C. § 1349)

21 MJ 1017

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT
AND AN APPLICATION UNDER RULE 41
FOR A WARRANT TO SEARCH AND SEIZE

Joseph Loecher, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), duly appointed according to law and acting as such.

Upon information and belief, in or about and between January 2021 and September 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RUSLAN SADIKHOV, together with others, did knowingly and intentionally conspire to devise a scheme and artifice to defraud the New York State Department of Motor Vehicles (“DMV”), and to obtain property from the DMV by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to cause to be deposited in any post office and authorized depository for mail matter, any matter and thing to be sent and delivered by the Postal Service, contrary to Title 18, United States Code, Section 1341.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

INTRODUCTION

A. Affiant and Purpose of Affidavit

1. I have been a Special Agent with the Federal Bureau of Investigation (“FBI”) since 2020 and am currently assigned to the FBI’s Eurasian Organized Crime Task Force, where I participate in investigations involving organized crime, fraud and violent crime. In these investigations, I conduct or participate in surveillance, execute search warrants, including on electronic devices, debrief informants, and review recorded conversations.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. This affidavit is submitted in support of an application for an arrest warrant for RUSLAN SADIKHOV for violations of Title 18, United States Code, Section 1349 (conspiracy to commit mail fraud), and for an application for a search warrant under Federal Rule of Criminal Procedure 41, authorizing the search of a 2020 black Toyota Camry with New York license plate T709049C, including the trunk and any locked and/or closed containers (the “Target Vehicle”), as described in Attachment A, for the items and information described in Attachment B. As explained below, there is probable cause to believe that the Target Vehicle contains evidence, fruits and instrumentalities of violations of Title 18, United States Code, Sections 1341 and 1349 (mail fraud and conspiracy to commit mail and wire fraud) and 1951(a) (Hobbs Act robbery) (collectively, the “Subject Offenses”).

B. The Fraudulent Scheme Investigation

4. The FBI is investigating a group of individuals who are conspiring to compromise the integrity of the examination process for the issuance of commercial driver's permits and licenses by the DMV.

5. The law of the State of New York requires that drivers of certain types of commercial vehicles, such as large buses, trucks and trailers, possess a commercial driver's license ("CDL"). The DMV issues CDLs in the State of New York, in accordance with regulations issued by the United States Department of Transportation. Holders of CDLs issued by the DMV are authorized to drive such commercial vehicles in interstate and foreign commerce.

6. Applicants seeking a CDL from the DMV are required to, among other things, pass a test (the "CDL Test") covering various subjects related to safely driving large vehicles. The CDL Test is in a multiple-choice format and is administered at a computer terminal with a monitor that displays the questions at various approved locations. The sequence of the multiple-choice questions on the CDL Test is randomized by the DMV's testing software.

7. Applicants seeking a CDL from the DMV are also required to complete an application form. Above the space on the application form where the applicant is required to sign his or her name is a warning that making a false statement in connection with the application is a crime.

8. Once an applicant passes the CDL Test, the applicant is eligible to take the CDL road test (the "CDL Road Test") in which the applicant must exhibit their ability to safely drive an oversized vehicle on the road. Upon successfully passing the CDL Road

Test and waiting at least one business day, the applicant is permitted to obtain from a DMV office a temporary CDL, which is valid for 90 days. Approximately three or four weeks after the issuance of a temporary CDL, the DMV mails, by the United States Postal Service, the applicant a permanent CDL bearing the applicant's photograph.

9. The investigation has identified RUSLAN SADIKHOV as a part of a conspiracy to assist applicants in cheating on written CDL Tests, thus procuring a CDL by fraud, which CDL was sent via the Postal Service.

10. According to investigators from the DMV's Division of Field Investigations ("DFI")¹, on April 14, 2021, supervisors at a DMV testing location on Long Island, New York observed an applicant taking the CDL Test ("John Doe-1"). The supervisors believed John Doe-1 was cheating, because he was at the testing location for almost three hours and appeared to be speaking under his face mask, which he was wearing to comply with COVID-19 protocols. DFI investigators entered the room, observed John Doe-1, and asked him to come to the DFI offices. John Doe-1 showed the investigators that he was wearing a wire taped to his neck that was connected to a cell phone in his pocket (the "Device"). John Doe-1 also stated he was wearing a very small earpiece in his ear that he was unable to remove with his fingers.

11. John Doe-1 admitted to investigators that he was cheating on the CDL Test. John Doe-1 explained that he had been given the Device and other equipment, and by

¹ DFI investigators are peace officers who perform fraud detection, undercover and counter-terrorism assignments, investigate identity theft and uncover auto-theft rings, among other things. Utilizing facial recognition technology and forensic vehicle examinations, Investigative Specialists perform a variety of criminal investigations, field inspections, inventories of seized properties, odometer fraud, identity verification, fraudulent document detection, vehicle theft examinations and security evaluations.

using that equipment, an individual was able to view John Doe-1's test questions and then relayed the correct answers to John Doe-1. DFI investigators confiscated the Device and the wire from John Doe-1.

C. SADIKHOV Retaliates for the Loss of the Device

12. Later that day, another individual ("John Doe-2") reported to NYPD officers that he was robbed at gunpoint by an individual he knew as "Ruslan" after he and a friend had paid "Ruslan" to help them cheat on the CDL Test earlier that day. John Doe-2 stated he and his friend, whom he did not identify to the officers by name, had contacted "Ruslan" via Telegram, an encrypted messaging application. John Doe-2 explained that his friend was caught cheating on the CDL Test on April 14, 2021, and John-Doe-2 believed that in retaliation, "Ruslan" called John Doe-2 multiple times that night until John Doe-2 agreed to meet with "Ruslan." According to John Doe-2, "Ruslan" appeared outside John Doe-2's residence in Brooklyn, New York, and demanded John Doe-2 get inside of a black Toyota Camry, the same make and model as the Target Vehicle. John Doe-2 stated that "Ruslan" pointed a black firearm at John Doe-2 and demanded that John Doe-2 withdraw \$800 from a Chase Bank branch, in Brooklyn, New York, or "Ruslan" would shoot him. John Doe-2 complied, withdrew the money from his bank account and gave it to "Ruslan."

13. John Doe-2 provided a phone number used by "Ruslan," which ended in -6448 (the "6448 Number"). According to records obtained by subpoena from Lyft Inc., the 6448 Number is registered to the defendant RUSLAN SADIKHOV, who is a registered driver for Lyft. Accordingly, there is probable cause to believe "Ruslan" is the defendant RUSLAN SADIKHOV.

D. The SADIKHOV Device

14. Law enforcement officers obtained the Device from DMV and conducted a search of the Device pursuant to a judicially authorized search warrant. The contents of the Device, including messages, videos, photograph and documents, demonstrated that the Device was used by the defendant RUSLAN SADIKHOV in or about and between April 2020 and April 2021. For instance, the Device contained images of SADIKHOV's identification documents, including his New York State driver's license, social security administration card and income tax returns. The Device also contained what I recognize to be photographs and videos of SADIKHOV, as compared to known photographs and physical surveillance of him. Messages on the Device, in several languages, including Russian, English and Uzbek, were addressed to "Ruslan."

15. The contents of the Device, as well as the circumstances under which it came to be in law enforcement's custody, also demonstrate that SADIKHOV used the Device in the scheme to assist others in fraudulently obtaining a CDL. As explained above, John Doe-1 provided the Device to DFI Investigators after he admitted the Device enabled him to cheat on the CDL Test. In addition, the Device contained approximately 30 conversations via text message or Telegram, in which the user of the Device, whom I believe to be SADIKHOV, described the cheating operation and indicated that his assistance in passing the CDL Test cost \$700.

16. As demonstrated by messages, photographs and videos found on the Device, as well as my understanding from my training, experience and participation in other CDL fraud investigations, SADIKHOV provided CDL applicants with a small camera to attach on the applicant's shirt through which SADIKHOV or another co-conspirator could

view the CDL Test questions as they appeared in real time. SADIKHOV or another co-conspirator who were located outside the testing location would view the questions via the hidden camera in order to determine the correct answers through their experience or by using the DMV Testing manual. SADIKHOV or another co-conspirator would then provide the correct answer to each question to the applicant through a small earpiece,² which was connected to a cell phone or other device hidden somewhere on the applicant's body via Bluetooth technology.

17. The Device also contained approximately 20 screenshots showing DMV confirmations for CDL Test appointments, which were scheduled to take place in or about and between September 2020 and April 2021. The image of the confirmation variously included the applicant's name, the location, date and time of the appointment, and the applicant's reservation number.

E. Search of the Defendant's Apartment

18. On or about August 18, 2021, NYPD officers conducted a search of an apartment located at the Tysens Park Apartments in Staten Island (the "Apartment"), after a resident of the Apartment consented in writing to the officers' search. In that search, NYPD officers located personal effects and other identification documents for the defendant RUSLAN SADIKHOV, including a driver's license, New York City identification card, social security card and various credit and debit cards in his name, which demonstrated he also resided in the Apartment. Within the Apartment, officers also located items which, in

² In my training, experience and participation in this and other investigations, to escape detection by the DMV, the applicant's earpiece is so small that it has to be inserted and removed with a magnet or tweezers.

my training and experience, are used in the CDL Test scheme, including multicolored earphones, magnets, battery packs, multicolored cameras and a device used to detect hidden cameras and other covert electronic equipment. (Notably, officers did not locate a black firearm in the search of the Apartment.)

19. There is probable cause to believe SADIKHOV was using the items seized in the CDL Test scheme. For example, as explained, magnets can be used to insert and remove the earpieces for the applicants because of the earpieces' small size. Based on my training and experience, I understand battery packs can be used as portable charging devices to power phones or other devices to enable a coconspirator to communicate with an applicant. In light of a video saved on the Device, as well as my training and experience, I understand the device used to detect hidden cameras and other covert electronic equipment can be used as a counter-surveillance device to determine whether DMV personnel would locate any hidden cameras or other devices if searching for them.

F. The Target Vehicle

20. The Target Vehicle is a 2020 black Toyota Camry with New York license plate T709049C. According to records obtained by the New York City Police Department ("NYPD") Department of Motor Vehicles, the Target Vehicle is owned by Venture Leasing LLC, based in the Bronx, New York, which appears to be a taxi service, according to public records. Records on the Device, including insurance and registration records, show that the defendant RUSLAN SADIKHOV has insurance on the Target Vehicle through the name Venture Leasing LLC. In addition, an NYPD accident report dated June 19, 2020, shows SADIKHOV was the driver of the Target Vehicle, which is registered to

Venture Leasing LLC. Furthermore, according to Lyft records obtained by subpoena, SADIKHOV has engaged in numerous Lyft fares with the Target Vehicle.

21. In addition to the information set forth above, there is probable cause to believe the defendant RUSLAN SADIKHOV uses the Target Vehicle to engage in the Subject Offenses.

22. For instance, on April 14, 2021, when John Doe-1 admitted to cheating on the CDL Test, the DFI investigators noted John Doe-1 said the individual who helped him cheat drove a black Toyota Camry, the same make and model as the Target Vehicle. John Doe-2 later told NYPD officers that he and a friend were assisted in the attempt to fraudulently obtain a CDL by “Ruslan,” whom there is probable cause to show is defendant RUSLAN SADIKHOV.

23. The Device also contained videos of the SADIKHOV in a vehicle, consistent with the Target Vehicle, as SADIKHOV was studying a DMV test booklet. Another video depicts SADIKHOV in a vehicle, consistent with the Target Vehicle, employing a device that I know is used to detect hidden cameras and other covert electronic equipment. The video is from the perspective of the hidden camera and depicts SADIKHOV using that detection device. Based on my training, experience and participation in this and other investigations, I believe SADIKHOV was trying to use this device in order to determine whether the hidden camera could be located by the detection device. Finally, as described above, John Doe-2 told law enforcement officers that SADIKHOV was driving a black Toyota Camry when he picked up John Doe-2, held him at gunpoint, transported him to an ATM and demanded he withdrawal money for SADIKHOV.


24. In addition to these facts, in my training, experience and participation in this investigation as well as others, I understand that organizers such as SADIKHOV often use a vehicle to prepare an applicants to cheat on the CDL Test in order for the organizer to outfit the applicant with the necessary devices and equipment without drawing attention to this process.

CONCLUSION

25. Based on the foregoing, I respectfully request the court to issue an arrest warrant for the defendant RUSLAN SADIKHOV for a violation of Title 18, United States Code, Section 1349, and a warrant to search the Target Vehicle, as specified in Attachment A, to seize the items and information specified in Attachment B.

WHEREFORE, your deponent respectfully requests that the defendant RUSLAN SADIKHOV, be dealt with according to law.

I further request that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including this Affidavit. As described above, the investigation is ongoing and not known to RUSLAN SADIKHOV. Accordingly, there is good cause to seal these document because their premature disclosure may seriously jeopardize that investigation by allowing SADIKHOV to flee before he can be arrested and the search of the Target Vehicle can be conducted.



Joseph Loecher
Special Agent, Federal Bureau of Investigation

Sworn to before me by telephone this
1st day of September, 2021



THE HONORABLE MARCIA M. HENRY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

ATTACHMENT A

Items to be Searched

The Target Vehicle is a 2020 black Toyota Camry with New York license plate T709049C, including the trunk and any locked and/or closed containers.

ATTACHMENT B

Items to be Seized

Any evidence, fruits and instrumentalities of violations of 18 U.S.C. § 1341 and 1349 (mail fraud and mail fraud conspiracy) and 1951(a) (Hobbs Act robbery) (the “SUBJECT OFFENSES”) from the period of April 1, 2020 to the present, including:

1. All records, notes, documents, communications or materials pertaining or relating to commercial driver’s licenses;
2. Any bank records, account information, wire transfers, invoices, business records, or other financial documents relating to the SUBJECT OFFENSES;
3. Contact information and records of communications with any member or associate regarding commercial driver’s licenses;
4. Any documents and/or records demonstrating ownership, control or possession over the property to be searched;
5. Firearms, ammunition, or related accessories;
6. Proof of firearm ownership; and
7. Evidence related to the receipt, storage, or disposition of firearms, including but not limited to receipts, delivery records, sales slips, packaging material.